

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Dentistry

124 Halsey Street, 6th Floor, Newark, NJ 07102

VIA CERTIFIED (RRR) AND REGULAR MAIL

March 11, 2013

Dr. Jonathan Abenaim
c/o Thomas A. McCormack, Esq.
Naulty, Scaricamazza, & McDevitt, LLC
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 4-2-13 *DA*

Re: Settlement Letter in Lieu of Formal
Disciplinary Action
Complaint #83665

Dear Dr. Abenaim:

This letter is to advise you that the New Jersey State Board of Dentistry (the "Board") has had an opportunity to complete its review of information concerning the above captioned complaints. The information reviewed includes:

1. The complaint of patient D.H.
2. Your response to the complaint, including copies of the patient records, x-rays and financial information.
3. Transcript of your appearance before the Board on November 14, 2012.
4. Other available information about the patient's oral condition(s).

Based upon the review of this matter, it appears to the Board that:

1. **Development of Treatment Plan** - You developed a treatment plan for an implant case without adequate diagnostic materials. It appears that you developed the case based on one panoramic x-ray, and failed to record either periodontal charting or caliper measurements in the patient charts.
2. **Execution of Treatment Plan** - Mini-implants were not integrated and were loaded too soon to placement. In addition, the lower denture "rocks" because the lower implants were too divergent.
3. **Record Keeping** - You failed to record caliper measurements, periodontal charting, or viable treatment alternatives discussed with the patient in the record.

These acts may be sufficient to initiate the filing of formal disciplinary proceedings. However, the Board has determined that it will first offer you an opportunity to settle this matter, through your agreement to the following:

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JEFFREY S. CHIESA
Attorney General

ERIC T. KANEFSKY
Acting Director

Mailing Address:
P.O. Box 45005
Newark, NJ 07101
(973) 504-6405

1. Pay a penalty of \$500.00 for violating the record keeping violations, pursuant to N.J.A.C. 13:30-8.7.
2. Provide the patient restitution for the implants which you placed and which must be replaced in order to complete the patient's dental treatment in the total amount of \$15,394, (six lower implants at \$899 each, and four lower implants and abutments at \$2,500 each). Restitution may be made by check or money order, payable to patient D.H., and submitted to the Board office with the signed certification attached to this letter.
3. Complete a total of eighteen (18) hours of remedial continuing education in the following subjects: seven (7) hours in diagnosis and treatment planning of implant cases, to include CT scan interpretation, seven (7) hours of hands-on implant placement, and four (4) hours in record keeping. These credits must be completed within six (6) months of signing this agreement, and are in addition to the continuing education credits you are required to complete during the licensing period.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. The penalty may be paid by a check or money order made payable to the "State of New Jersey - Board of Dentistry" and should be submitted to the Board office. Restitution should be made by check or money order made payable to the patient, and submitted to the Board office with the signed acknowledgment at the end of this letter. The continuing education course(s) must be pre-approved by the Board prior to attendance. This continuing education requirement is in addition to the forty hours required to renew your license for the biennial period. You must send confirmation to the Board that these courses have been satisfactorily completed. You should be advised that upon receipt of your signed acknowledgment, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of an appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than those offered in settlement here, should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay the additional costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Swang Oo, who may be reached at (973) 648-2500.

Settlement Letter

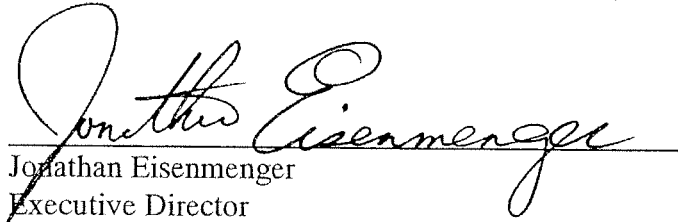
March 11, 2013

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If you elect to settle this matter, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

Yours very truly,

NEW JERSEY STATE BOARD OF DENTISTRY

A handwritten signature in cursive script, reading "Jonathan Eisenmenger", is written over a horizontal line. The signature is fluid and stylized, with the first name "Jonathan" and last name "Eisenmenger" clearly legible despite the cursive style. The line underneath the signature is a simple horizontal stroke.

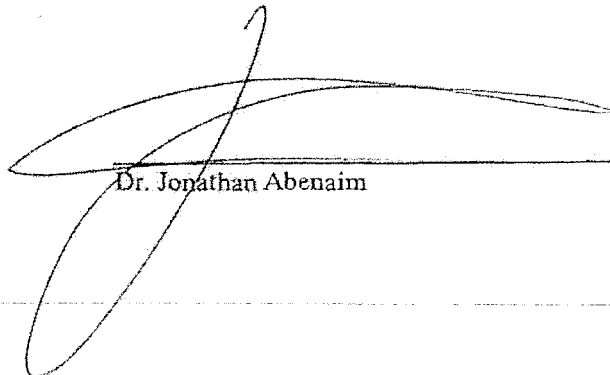
Jonathan Eisenmenger
Executive Director

cc: Swang Oo, Deputy Attorney General

ACKNOWLEDGMENT: I, Dr. Jonathan Abenaim, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to comply with the directives noted herein. I will submit to the Board:

1. Pay a penalty of \$500.00 for violating the record keeping violations, pursuant to N.J.A.C. 13:30-8.7.
2. Provide the patient restitution for the ^{upper}implants which you placed and which must be replaced in order to complete the patient's dental treatment in the total amount of \$15,394, (six ~~lower~~ implants at \$899 each, and four lower implants and abutments at \$2,500 each). Restitution may be made by check or money order, payable to patient D.H., and submitted to the Board office with the signed certification attached to this letter.
3. Complete a total of eighteen (18) hours of remedial continuing education in the following subjects: seven (7) hours in diagnosis and treatment planning of implant cases, to include CT scan interpretation, seven (7) hours of hands-on implant placement, and four (4) hours in record keeping. I have submitted a two-day, fourteen credit course entitled the "Misch Implant Institute" to be held in Phoenix, Arizona in April 2013, which has been pre-approved by the Board to satisfy the seven hours in diagnosis and treatment planning and the seven hours of hands-on implant placement. I understand that these credits are in addition to the continuing education credits you are required to complete during the licensing period.

03/11/13
Date


Dr. Jonathan Abenaim